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**Hon. James L. Robart**

*Attorneys for Defendant Bank of America, N.A.*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BARBARA ROBINSON,

Plaintiff,

vs.

WELLS FARGO BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR THE  
CERTIFICATE HOLDERS OF THE MLMI  
TRUST, MORTGAGE LOAN ASSET-  
BACKED CERTIFICATES, SERIES 2005  
WMC2; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
NATIONSTAR MORTGAGE; BANK OF  
AMERICA; JAY BRAY; AZTEC  
FORECLOSURE CORPORATION OF  
WASHINGTON,

Defendants.

Case No.: 2:17-cv-00061-JLR

BANK OF AMERICA'S RESPONSE IN  
OPPOSITION TO NOTICE OF  
MOTION TO INTERVENE AND  
ORDER DISMISSING ALL  
DEFENDANTS MOTIONS FOR  
DISMISSAL FOR LACK OF  
STANDING, NOTICE OF  
CONSTITUTIONAL CHALLENGE TO  
STATUTE

**NOTED ON MOTION CALENDAR:  
May 12, 2017**

Defendant Bank of America, N.A., incorrectly sued as "Bank of America" ("BANA"),  
by and through undersigned counsel and pursuant to the Federal Rules of Civil Procedure and  
Western District of Washington Local Civil Rules, hereby submits its Response in Opposition

BANK OF AMERICA'S RESPONSE IN OPPOSITION  
TO NOTICE OF MOTION TO INTERVENE AND  
ORDER DISMISSING ALL DEFENDANTS  
MOTIONS FOR DISMISSAL - 1  
Case No.: 2:17-cv-00061-JLR  
S1543712.DOCX



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1 to the “Notice of Motion to Intervene and Order Dismissing All Defendants [*sic*] Motions for  
 2 Dismissal for Lack of Standing, Notice of Constitutional Challenge to Statute” submitted by  
 3 Plaintiff Barbara Robinson (“Plaintiff”) and electronically filed on April 19, 2017, at ECF  
 4 Document Nos. 24, 24-1 and 25 (the “Notice”).

5 To the extent Plaintiff’s Notice merits a response, BANA hereby incorporates the  
 6 Opposition to the Notice (“Opposition”) that was electronically filed as ECF Document No. 26  
 7 on May 4, 2017, by Co-Defendants Wells Fargo Bank National Association, as Trustee for the  
 8 Certificate Holders of the MLMI Trust, Mortgage Loan Asset-Backed Certificates Series 2005  
 9 WMC2 (“Wells Fargo”), Mortgage Electronic Registration Systems (“MERS”), Nationstar  
 10 Mortgage LLC (“Nationstar”) and Jay Bray (“Bray,” together with Wells Fargo, MERS and  
 11 Nationstar, “Co-Defendants”), as though the arguments set forth by Co-Defendants in their  
 12 Opposition were repeated at length herein.  
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15 Specifically, as will be discussed further in BANA’s Reply in Support of its Motion to  
 16 Dismiss, which will be filed on or before the May 12, 2017 noting and due date: (1) Plaintiff has  
 17 not stated, and as a matter of law, cannot state any valid claim to relief against BANA, *see*  
 18 *generally* ECF Nos. 22, 23 & 23-1; (2) the Deeds of Trust Act is not an unconstitutional bill of  
 19 attainder, and the Attorney General need not intervene in order for the Court to so find, *see* Doc.  
 20 26 at 2-4; (2) counsel for BANA is properly admitted to practice in the State of Washington and  
 21 the United States District Court for the District of Washington, *cf. id.* at 4 (refuting Plaintiff’s  
 22 argument to the contrary about counsel for Codefendants); (3) BANA’s Motion to Dismiss is  
 23 properly based on sound legal and factual arguments, not the statements of counsel in the  
 24 required declaration in support submitted therewith, *cf. id.* (rebutting Plaintiff’s argument  
 25 concerning similar Declaration of counsel for Co-Defendants).  
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 27



1 Therefore, for reasons to be more fully explained in BANA's forthcoming Reply in  
2 Support of Motion to Dismiss, there is no valid basis for Plaintiff's Notice and Motion to  
3 Intervene and Order Dismissing All Defendants' Motions for Dismissal for Lack of Standing,  
4 and the Court should reject both in their entirety.

5 Respectfully submitted this 8<sup>th</sup> day of May, 2017.  
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8 *s/ Christopher G. Varallo*

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17 *Attorneys for Defendant Bank of America, N.A.*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of May, 2017,

1. I caused to be electronically filed the foregoing BANK OF AMERICA'S RESPONSE IN OPPOSITION TO NOTICE OF MOTION TO INTERVENE AND ORDER DISMISSING ALL DEFENDANTS MOTIONS FOR DISMISSAL FOR LACK OF STANDING, NOTICE OF CONSTITUTIONAL CHALLENGE TO STATUTE with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

**David John Elkanich**

[serve.dje@hklaw.com](mailto:serve.dje@hklaw.com); [jennifer.kilbourn@hklaw.com](mailto:jennifer.kilbourn@hklaw.com)  
[pamela.sullivan@hklaw.com](mailto:pamela.sullivan@hklaw.com)

2. I hereby certify that I have caused to be mailed by United States Postal Service the foregoing BANK OF AMERICA'S RESPONSE IN OPPOSITION TO NOTICE OF MOTION TO INTERVENE AND ORDER DISMISSING ALL DEFENDANTS MOTIONS FOR DISMISSAL FOR LACK OF STANDING, NOTICE OF CONSTITUTIONAL CHALLENGE TO STATUTE to the following non-CM/ECF participants at the address listed below:

**Barbara Robinson**  
**13540 SE 159<sup>th</sup> Pl.**  
**Renton, WA 98058**

3. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following CM/ECF participants at the address listed below: **None.**

4. I hereby certify that I have hand-delivered the foregoing document to the following participants at the addresses listed below: **None.**

*s/ Christopher G. Varallo*

Christopher G. Varallo, WSBA No. 29410

